

Entered - 07/18/00 - sb
CL00L0442 - DIANNE C. MITCHELL

00- R -1592

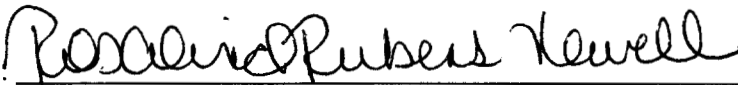
CLAIM OF: **ROBERT V. GAFNEA**
2219 Rando Lane, NW
Atlanta, Georgia 30318

For damages alleged to have been sustained as a result of a vehicular accident on June 27, 2000 at 2219 Rando Lane, NW.

BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **ROBERT V. GAFNEA** the sum of **\$1,058.65** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a vehicular accident on June 27, 2000 at 2219 Rando Lane, NW as is more particularly set forth in the within claim; said sum taken from and charged to account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 

ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0442

Date: September 27, 2000

Claimant /Victim ROBERT V. GAFNEA

BY: (Atty) _____

Address: 2219 Rando Lane, NW, Atlanta, Georgia 30318

Subrogation: _____ Claim for Property damage \$ 1,824.53 Bodily Injury \$ _____

Date of Notice: 07/12/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/27/00 Place: 2219 Rando Lane, NW

Department Public Works Division: Solid Waste Services

Employee involved Kenya Mims Disciplinary Action: Written Counseling

NATURE OF CLAIM: The driver of the City vehicle backed into the claimant's parked vehicle causing damages in the above amount.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police X Dept Report _____ Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

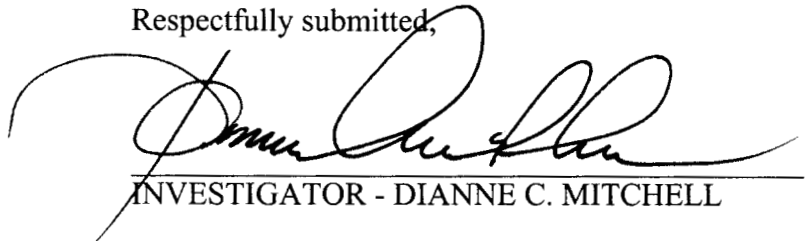
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement X

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,058.65 Adverse _____ Account charged: 1A01 X 2J01 _____ 2H01 _____

Claims Manager: [Signature] Concur/date 09-27-00

Committee Action: _____ Council Action _____

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RE: CLAIM FOR DAMAGES

Today's Date:

7-10-00

ENTERED - 7-18-00 - SB
00L0442 - DIANNE MITCHELL

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 1824.53 property and/or \$ 0 bodily injury for which I contend the City is liable.

1. Date of incident: 6-27-00 2. Time of Incident: 11:15 AM 3. Police called: Yes
(month/day/year)
4. Location of incident (including street address): Curbside in front of my home - 2219 Rando Lane N.W. Atlanta, GA 30318
5. Name of your insurance company: State Farm Policy No. 229-0240-D05-11 H
6. State what and how incident occurred: Sanitation Truck, while picking up Trash/garbage backed into the side & rear of my car parked at the curb in front of my house.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
- Your vehicle: Buick Regal - 1989 - 34706 GF Robert V. Gafnea
(Make) (Year) (Tag Number) (Driver's Name)
- City vehicle: garbage Truck - Kenya Mims Sanitation
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: Sanitation Employee (name unknown) on Truck
(Name) (Address) (Telephone Number)
10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Robert V. Gafnea
Signature of Claimant

Robert V. Gafnea
(Print Claimant's Name)

2219 Rando Lane N.W.
(Address)
Atlanta, GA 30318
(City, State and Zip Code)

N/A 404-355-5110
(Work Number) (Home Number)

accident Report # 001790939

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0442

\$ 1,085.65

IN CONSIDERATION of the sum of ONE THOUSAND EIGHTY-FIVE & 65/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to Kenya Rene Mims, from any and all
claims, demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or
on account of anything that has heretofore occurred, and particularly for or on account of a vehicular accident

which occurred on or about the 27th day of June, 2000

at or near 2219 Rando Lane, NW

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 16th day of September, 2000.

Robert V. Gafnea (LS)
ROBERT V. GAFNEA

The above release was read and explained to, and signed by the said Robert V. Gafnea
Gafnea in our presence on the date above written.

* Robert V. Gafnea
Emma Jean Tidwell
WITNESSES
Betty L. Gafnea